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June 28, 2019

BY ECF

Honorable James L. Cott
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 21-D
New York, NY 10007

Re: *King, et al. v. Wang et al.*, Case No. 1:14-cv-07694-JFK-JLC

Dear Magistrate Judge Cott:

We write on behalf of Defendants to respectfully request an extension of the June 28, 2019 fact discovery deadline in the above-referenced action in order to seek document and deposition discovery concerning and/or from witnesses recently disclosed by Plaintiff as possessing discoverable information. We also write to seek permission to serve contention interrogatories on Plaintiff.

We have consulted with Plaintiff's counsel regarding Defendants' request for an extension and although we have yet to receive a formal response, Plaintiff's counsel indicated in conversation that they would be amenable to a 30-day extension.

Plaintiff recently served Defendants with two separate amendments to her Rule 26 initial disclosures: an Amended Rule 26 Initial Disclosure, dated June 12, 2019 and a Second Amended Rule 26 Initial Disclosure, dated June 21, 2019 (together, "Supplemental Disclosures"). In each of the Supplemental Disclosures, Plaintiff disclosed the name of a new individual who is likely to have discoverable information -- John S. Wang, located in Gaithersburg, MD and Zhang YiTao, located in Beijing, P.R. China. Document discovery -- including non-party document discovery -- was to be completed in this action by May 10, 2018 and all fact discovery is to be completed by June 28, 2019. Given that these witnesses were only disclosed to Defendants after the deadline for document discovery, and near the deadline for all fact discovery, Defendants are unable, without the Court's intervention, to seek discovery from

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or concerning these witnesses -- whether from the Plaintiff or other non-parties -- within the current fact discovery period.

Accordingly, Defendants respectfully request a 60-day extension of the fact discovery period to permit them to serve a subpoena *duces tecum* and a subpoena for a deposition upon non-party John S. Wang and to serve additional document requests upon Plaintiff concerning these witnesses.

At the parties April 10, 2019 conference, Your Honor granted an extension of the previously scheduled May 8, 2019¹ fact discovery deadline to June 28, 2019 and advised that no further extension of the deadline would be granted. Dkt. No. 172. The parties have worked diligently on completing document discovery and depositions in an effort to ensure they meet that deadline. However, Defendants respectfully submit that they require further extension of the discovery deadline because this additional discovery is necessary to prepare their defense in this action. Further, Defendants are also waiting for Plaintiff's counsel to complete the document production from Kenneth King and Raymond King. During the course of document discovery and depositions, Defendants have identified additional email accounts for Kenneth and Raymond King which were not searched for documents responsive to Defendants' demands. Defendants have requested that these accounts be searched and responsive documents promptly produced and will continue to work on these issues with Plaintiff should the extension be granted. Should Your Honor require it, Defendants will also submit a request for an extension to Justice Keenan.

Additionally, Defendants respectfully seek permission to serve Plaintiff with interrogatories seeking to clarify her claims and contentions in this action pursuant to SDNY Local Civil Rule 33.3 and FRCP Rule 33.

Defendants are available for a telephonic or in-person conference at the Court's convenience should Your Honor wish to discuss with counsel.

Respectfully submitted,

/s/ Thomas Kelly
Thomas Kelly

cc: All counsel of record (by ECF)

¹ In an order dated November 29, 2018, Your Honor previously extended the January 4, 2019 discovery deadline to May 8, 2019. Dkt. No. 128.